

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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MASSACHUSETTS MUTUAL LIFE INSURANCE	:	
COMPANY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	No. 3 :11-cv-30047-MAP
DLJ MORTGAGE CAPITAL, INC.; CREDIT SUISSE	:	
FIRST BOSTON MORTGAGE SECURITIES CORP.;	:	
CREDIT SUISSE SECURITIES (USA) LLC (F/K/A	:	
CREDIT SUISSE FIRST BOSTON LLC); ANDREW A.	:	
KIMURA; JEFFREY A. ALTABEF; EVELYN	:	
ECHEVARRIA; MICHAEL A. MARRIOTT; and	:	
THOMAS ZINGALLI,	:	
	:	
Defendants.	:	
-----	X	
MASSACHUSETTS MUTUAL LIFE INSURANCE	:	
COMPANY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	No. 3 :11-cv-30048-MAP
CREDIT SUISSE FIRST BOSTON MORTGAGE	:	
SECURITIES CORP.; MORTGAGE ASSET	:	
SECURITIZATION TRANSACTIONS, INC.; DLJ	:	
MORTGAGE CAPITAL, INC.; UBS REAL ESTATE	:	
SECURITIES INC.; CREDIT SUISSE SECURITIES (USA)	:	
LLC; UBS SECURITIES LLC; LEE FARKAS; PAUL R.	:	
ALLEN; RAY BOWMAN; DELTON DE'ARMAS;	:	
DESIREE E. BROWN; ANDREW A. KIMURA; JEFFREY	:	
A. ALTABEF; EVELYN ECHEVARRIA; MICHAEL A.	:	
MARRIOTT; THOMAS ZINGALLI; DAVID MARTIN;	:	
PER DYRVIK; HUGH CORCORAN; and PETER	:	
SLAGOWITZ,	:	
	:	
Defendants.	:	

STATUS REPORT

Credit Suisse defendants in the above-captioned actions (“Credit Suisse”), through their undersigned counsel, respectfully submit this status report to request clarification and confirmation regarding the Court’s February 14, 2012 Memorandum and Order Regarding Defendants’ Motion to Dismiss (“Order”).¹

No. 3 :11-cv-30047-MAP

Credit Suisse wishes to clarify that the Court intended to dismiss from this action Plaintiff’s section 410(b) of the Massachusetts Uniform Securities Act (“section 410(b)”) claim against defendant Credit Suisse First Boston Mortgage Securities Corp. Credit Suisse First Boston Mortgage Securities Corp. is not alleged to be a control person of an underwriter defendant (*see, e.g.*, Complaint ¶ 179), and therefore it is not a control person of a defendant against which “Plaintiff has adequately pled primary violations” (*see* Order at 35). For this same reason, the Order expressly dismissed the section 410(b) claim against DLJ Mortgage Capital, Inc. in this action. However, Credit Suisse First Boston Mortgage Securities Corp. was not expressly identified on page 50 of the Order as among the entities against which the section 410(b) claims were dismissed. Plaintiff agrees with Credit Suisse’s statements in this paragraph, which are regarding the action numbered 11-30047-MAP.

¹ The Court requested such status reports from defendants in several of the related actions, but it did not request a status report in the above-captioned actions. Credit Suisse respectfully files this report to request clarification and confirmation.

No. 3 :11-cv-30048-MAP

Credit Suisse wishes to clarify that the Court intended to dismiss from this action Plaintiff's section 410(b) claims against defendants Credit Suisse First Boston Mortgage Securities Corp. and DLJ Mortgage Capital, Inc. Neither Credit Suisse First Boston Mortgage Securities Corp. nor DLJ Mortgage Capital, Inc. is alleged to be a control person of an underwriter defendant (*see, e.g.*, Complaint ¶¶ 113, 115), and therefore neither entity is a control person of a defendant against which "Plaintiff has adequately pled primary violations" (*see* Order at 35). For this same reason, the Order expressly dismissed the section 410(b) claim against DLJ Mortgage Capital, Inc. in the action numbered 11-30047-MAP. However, Credit Suisse First Boston Mortgage Securities Corp. and DLJ Mortgage Capital, Inc. were not expressly identified on page 51 of the Order as among the entities against which the section 410(b) claims were dismissed. Plaintiff believes that the Order dismissed both the Section 410(a) and 410(b) claims against Credit Suisse First Boston Mortgage Securities Corp. and DLJ Mortgage Capital, Inc. in the action numbered 11-30048-MAP.

Conclusion

Credit Suisse respectfully requests that the Court clarify and confirm that the section 410(b) claims against Credit Suisse First Boston Mortgage Securities Corp. in the action numbered 11-30047-MAP, and against Credit Suisse First Boston Mortgage Securities Corp. and DLJ Mortgage Capital, Inc. in the action numbered 11-30048-MAP, have been dismissed.

Dated: February 29, 2012
Boston, Massachusetts

/s/ Jonathan Sablone

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Marriott; and Thomas Zingalli*

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 29, 2012.

/s/ Jonathan Sablone
Jonathan Sablone